

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICIA J. CARTER,

Plaintiff,

vs.

DOUGLAS COUNTY, NEBRASKA, a Political
Subdivision; and JOHN W. EWING JR., in his
official and individual capacity,

Defendants.

8:22CV422

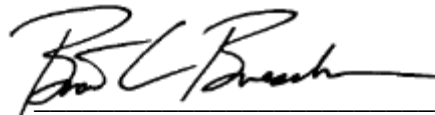
ORDER

On February 8, 2023, Defendants filed a “Partial Motion to Dismiss” pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, [Filing 6](#), challenging plaintiff Carter’s original Complaint, [Filing 1](#). On March 1, 2023, the twenty-first day thereafter, however, Carter filed an Amended Complaint. [Filing 8](#). See Fed. R. Civ. P. 15(a)(1)(B) (providing that an amended complaint may be filed as a matter of course within 21 days after the filing of a motion under Rule 12(b)(6)). It is not clear that the Amended Complaint addresses any of the grounds for dismissal asserted in Defendants’ “Partial Motion to Dismiss.” Nevertheless, the Court concludes that the better course is to deny the original “Partial Motion to Dismiss” as moot and without prejudice to the filing of a motion directed at the Amended Complaint. Accordingly,

IT IS ORDERED that Defendants “Partial Motion to Dismiss” pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, [Filing 6](#), is denied as moot and without prejudice to the filing of a motion directed at the Amended Complaint, [Filing 8](#).

Dated this 3rd day of March, 2023.

BY THE COURT:



Brian C. Buescher
United States District Judge